

TORGER OAAS
ATTORNEY AT LAW
618 West Main; Suite 201
Post Office Box 76
Lewistown, Montana 59457
(406) 538-2338
oaaslaw@midrivers.com
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

DIANE RECTOR as personal
representative of the estate of
Lisa Mae Arndt,

Plaintiff,

vs.

IDEAL OPTION PLLC,

Defendant.

CV-

**COMPLAINT
AND
JURY DEMAND**

Federal Jurisdiction

1. Federal Jurisdiction is based on diversity of citizenship and amount in controversy.

2. Plaintiff is a citizen of the State of Montana. Defendant is a citizen of the State of Washington. The amount in controversy exceeds \$75,000.00

Venue

3. Plaintiff resides in Fergus County which is located in the Great Falls division of the U.S. District Courts of Montana.

Cause of Death

4. On May 20th, 2019, Lisa Mae Arndt (Lisa Arndt) was discovered unresponsive on a couch at her residence in Lewistown, Montana. An autopsy was performed by the Forensic Science Division of the Department of Justice, State of Montana. The cause of death was determined to be Buprenorphine intoxication. The manner of death was undetermined.

5. Plaintiff alleges Lisa Arndt died of an accidental overdose of suboxone which was prescribed for Lisa Arndt by the Ideal Option PLLC clinic in Great Falls, Montana.

Buprenorphine / Suboxone

6. Buprenorphine is a controlled substance. It is classified by the FDA as an opiate. Buprenorphine is used as a medication to treat opioid use disorder (OUD) and has been approved by the FDA.

One of several buprenorphine products approved by the FDA for treatment of OUD is suboxone. Suboxone is part buprenorphine and part naloxone. Suboxone is considered to be effective in the treatment of OUD

because it decreases symptoms of withdrawal and helps prevent opioid misuse. It is self-administered sublingually under the tongue or in the cheek.

Suboxone Providers

7. The Drug Addiction Treatment Act of 2000 (DATA 2000) permits physicians who obtain a DEA waiver to prescribe Suboxone in a clinic setting. The Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities or Support for Patients and Communities Act of 2018 (Support Act) extended the privilege of prescribing suboxone in office-based settings to other practitioners including Nurse Practitioners (NPs), Physician Assistants (PAs), Clinical Nurse Specialists (CNSs), Certified Registered Nurse Anesthetists (CRNAs) and Certified Nurse-Midwives (CNMs).

8. These federal laws allow Defendant to provide suboxone to patients in an office-based setting by qualifying providers at its 65+ clinics located in the Northwest including its clinic in Great Falls located at 1601 2nd Ave. N., Suite 300W, Great Falls, Montana 59401.

Pseudotumor Cerebri aka Idiopathic Intracornial Hypertension (IIH)

9. In approximately 2015, Lisa Arndt was diagnosed with pseudotumor cerebri aka IIH. This condition causes severe headache pain. She was also diagnosed with migraine headaches in her teens. Treatment for

these conditions included prescription opioids. Plaintiff eventually became addicted to prescription opioids.

10. Because of her addiction and then street use of opioids, her primary caregiver stopped providing her with prescription opioids in February 2017.

11. Lisa Arndt continued to receive treatment for her IHH and migraine headaches in the Emergency Room of Central Montana Medical Center; this treatment included receiving prescription opioids. This treatment lasted into November of 2017.

12. In 2017 and 2018, Lisa Arndt began to take Kratom as a prescription opioid substitute for headache pain relief. Eventually, Lisa Arndt became addicted to Kratom. She was still obtaining opioids on the street.

13. Lisa Arndt wanted to end her addiction to opioids and Kratom. To do so, she became a patient of Defendant at its clinic in Great Falls, Montana.

Treatment at Ideal Option PLLC (The Clinic) in Great Falls, Montana

14. Lisa Arndt became a patient at Defendant's clinic on March 21, 2019. After her initial appointment, she had further appointments on April 4, 2019, April 10, 2019, April 17, 2019, April 24, 2019, and the last

appointment before her death was May 8, 2019. An appointment had been scheduled for May 21, 2019, the day following her death.

15. Lisa Arndt was diagnosed at Defendant's clinic on 03/21/2019 as suffering from a severe opioid use disorder. On 03/21/2019, Lisa Arndt disclosed her diagnoses of pseudotumor cerebri and her history of migraine headaches to the health care provider at Ideal Option and all the medications she was using.

16. Over the course of her appointments at Defendant's clinic, she was treated by PA Beth Cohen, NP Rhonda Woodside, NP Stephanie Christman, and NP Jacylyn Kassen.

17. Lisa Arndt's main health care provider at Defendant's clinic was NP Rhonda Woodside.

18. All above named health care providers were employees of Defendant between 03/21/2019 and June 1st, 2019.

19. Lisa Arndt was a patient with an extremely high risk of suboxone overdose because of:

1. her history of migraine headaches;
2. her diagnosis of IIH;
3. her polysubstance abuse.

May 20th, 2019

19. On May 19, 2019, Lisa Arndt told her mother she had a severe headache. Her mother, Diane Rector came to her daughter's house and made her lunch. Diane Rector checked on Lisa Arndt that day at around 4:00pm and Lisa Arndt was still having a severe headache. Diane Rector texted her daughter around 9:00pm and her daughter again replied that she was still having a severe headache.

On May 20th at approximately 10:00am, Lisa Arndt was found unresponsive at her house, on a couch, by a neighbor.

On May 9, 2019, Lisa Arndt was prescribed 23 individual doses of suboxone. An investigation by Fergus County Sheriff Office on May 20, 2019 determined that this prescription container was empty. The autopsy performed on Lisa Arndt revealed that she had 7.8 ng/ml of buprenorphine and 24 ng/ml of norbuprenorphine in her blood at the time of her death. These levels are considered to be strong evidence of a suboxone overdose.

20. Plaintiff alleges that Defendant, through the actions of its employees, was negligent in providing suboxone treatment to Lisa Arndt based upon the circumstances listed in paragraph 19.

- Plaintiff further alleges that providing increasing amounts of suboxone to Lisa Arndt was a contributing cause of her death on May 20, 2019.
- Plaintiff further alleges that Defendant was negligent for failing to warn Lisa Arndt of the dangers of suboxone overdose.
- Plaintiff further alleges that Defendant was negligent by failing to coordinate its suboxone treatment with Lisa Arndt's primary health care provider.
- Plaintiff alleges Defendant was negligent by failing to follow their own prescribing policies.
- Plaintiff alleges Defendant was negligent in failing to modify Lisa Arndt's treatment plan in light of the result of her urine test results.
- Plaintiff alleges Defendant was negligent for failing to refer Lisa Arndt to a more structured and supervised suboxone treatment program, including an OTP program.
- Plaintiff alleges these acts of negligence contributed to the death of Lisa Arndt.

21. Lisa Arndt is survived by two sons; Talon Michael Arndt and Aden Brandon Arndt. She is also survived by her parents Dave Sanders and

Diane Rector, the Plaintiff. The sons and parents of Lisa Arndt have lost their mother and daughter because of the negligence of Defendant. Compensatory damages are appropriate in this case.

Relief Requested

1. For all the compensatory damages allowed under Montana law for legal claim for Wrongful Death and Survivorship in excess of \$75,000.00.
2. For costs of suit.
3. For such other relief as the Court deems proper.
4. Plaintiff demands trial by jury.

DATED this 7th day of January, 2021.

/s/ Torger Oaas
TORGER OAAS
Counsel for Plaintiff